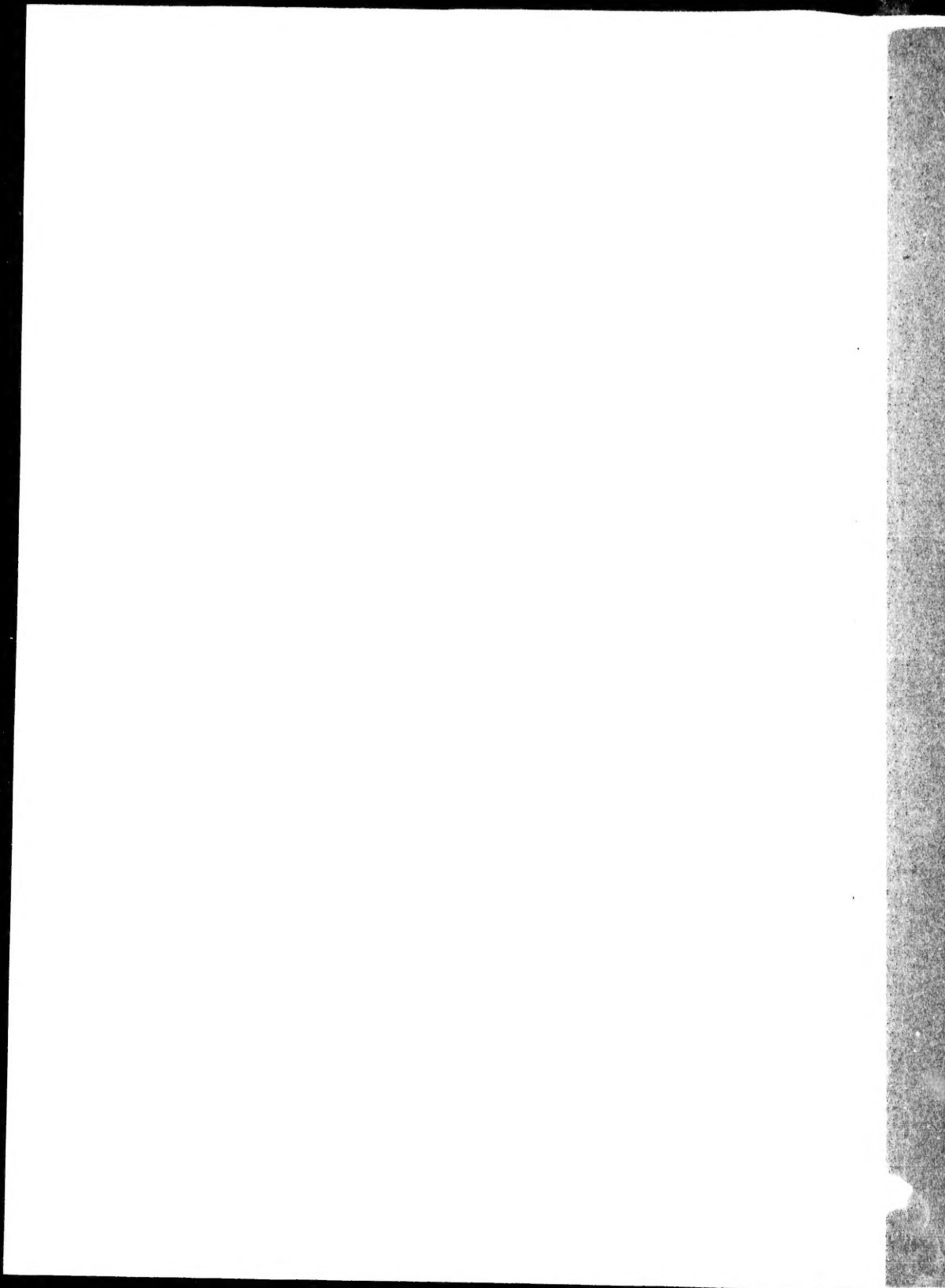




AN ACT

TO AMEND THE

LOWER CANADA MUNICIPAL

AND

ROAD ACT OF 1855.

22 VICTORIA, CAP. 101.

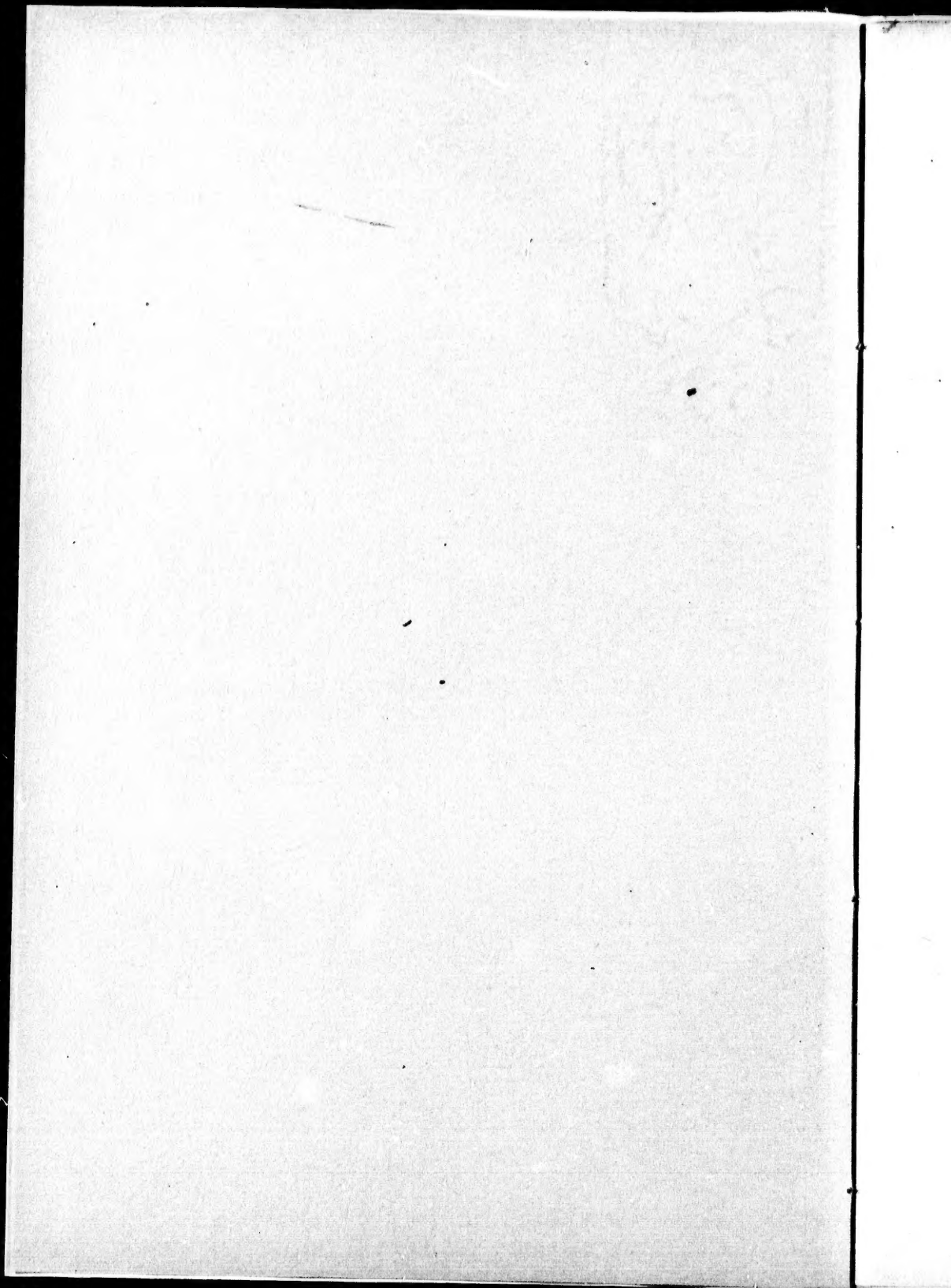


Toronto:

PRINTED BY STEWART DERBISHIRE & GEORGE DESBARATS,

LAW PRINTED TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. CI.

An Act to amend the Lower Canada Municipal and Road Act of 1855.

[Sanctioned 16th August, 1858.]

WHEREAS it is desirable further to amend the Lower Preamble, Canada Municipal and Road Act of 1855: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. So much of the seventeenth section of the Lower Canada Municipal and Road Act of 1855, as declares the Clerks of any Court of Justice ineligible to the office of Municipal Councillor, is hereby repealed, in so far only as it relates to the Clerks of Commissioners' Courts for the trial of Small Causes; and it is hereby declared that the Clerks of Commissioners' Courts for the trial of Small Causes, were and shall be hereafter eligible to the said office of Municipal Councillor, any law or usage to the contrary notwithstanding. Clerks of Commissioners' Courts may be Municipal Councillors, notwithstanding sect. 17 of 18 V. c. 100.

2. Clerks of the said Commissioners' Courts who have been elected Municipal Councillors before this Act shall come into force, are hereby declared to have been legally elected for all purposes whatsoever, under the provisions of the said Act, and the subsequent Acts amending the same. Past elections of such Clerks declared valid.

3. Hereafter the twenty-sixth section of the said Act shall be interpreted as though the words "or shall be otherwise liable to assessment under this Act" had not been inserted between the words "five pounds currency" and the words "nor unless." Sect. 26 of Act of 18 V. c. 100 amended.

Penalties in case of failure on the part of the Wardens in performance of certain duties under sect. 27 of the said Act.

4. Any person appointed by the Warden of a County, under the twenty-seventh section of the Act cited in the preamble of this Act, to preside at a public meeting of the inhabitants of any local Municipality, who shall refuse or neglect to be present at such meeting, or to preside thereat, or to do any act or thing required by law to be done by him in consequence of such appointment, or who shall be guilty of any misfeasance, malfeasance or nonfeasance, in the official capacity conferred on him by such appointment, shall, on conviction thereof before a competent tribunal, forfeit and pay a sum of eighty dollars.

Penalty on Warden of a County failing to notify a meeting under sect. 27 of the said Act.

5. Any Warden of a County who shall refuse or neglect to give the notice of the public meeting of the inhabitants of any local Municipality in such County, required to be given by him under the said twenty-seventh section of the said Act, shall, on conviction thereof before a competent tribunal, forfeit and pay a sum of eighty dollars.

When meeting shall be held.

Proviso.

6. Such meeting shall hereafter be held in each local Municipality, on the second Monday in January in every second year, beginning with the year one thousand eight hundred and sixty; Provided always that as regards local Municipalities, in which a Village Municipality is situate, the meeting of the local Municipality may be held within the limits of the Village Municipality.

Paragraph 8 of sect. 35, Act of 1855, amended.

7. It shall be the duty of any Court or Judge adjudging and declaring the election of any Councillor or Councillors to be void, in and by the judgment in that behalf, to name the day, not being sooner than ten days nor later than twenty days from the date thereof, for which a public meeting of the inhabitants of the local Municipality shall be called under the eighth sub-section of the thirty-fifth section of the said Act.

Auditors to be appointed.

8. Every Council, at its first meeting, after being duly organized, shall appoint one or two Auditors, who shall examine and report annually upon all accounts affecting the Corporation or relating to any matter or thing under its control or within its jurisdiction.

Sect. 45 of said Act amended.

What shall be understood to be the front of a lot.

9. The forty-fifth section of the said Act is amended so as to provide that the front of any lot shall be that designated or intended as such in the original title, or which appears to be such front by the roads laid down on the original plan, if the lot is in a Township, although the owner of the lot may have placed his dwelling-house on some other part of the lot, and even although the concession line should form the boundary between two Municipalities or Parishes.

Paragraph 5 of sect. 49 amended.

10. So much of the fifth sub-section of the forty-ninth section of the said Act, as provides that whenever an equal division of the votes of the delegates present at any meeting shall occur
on

on any question submitted to them, the County Superintendent who shall have called the meeting, shall have the casting vote, is hereby repealed and the following substituted: "at the meeting of the delegates some disinterested person from among such delegates previously appointed by the County Council for that purpose, shall preside."

Who to preside at meetings of delegates.

11. Whenever two parishes jointly interested in the opening of a new road, the maintenance or improvement of an old road, or the making or maintenance of fences or ditches, cannot agree together as to the division of the work to be done, the matter shall be referred to the council of the county in which such two parishes are situate, which shall, by By-law regulate all matters of difference relative to the opening or maintenance or improvement of such road, or the making or improvement of such fences and ditches, and shall order and prescribe the work to be done and the portion to be done by each parish; and these powers shall belong to such county council, in addition to those conferred by sections fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two and sixty-three, of the said Act.

Provision in case of disagreement between parishes or townships.

12. The fifty-first section of the said Act shall be hereafter interpreted as though the following sub-section were added after the third sub-section of the said section. "The Municipality shall also be bound to make or cause to be made under the superintendence of the Inspectors, *sous-voyers* or any other officer they may think proper to appoint, by any persons obliged by *procès-verbaux*, By-laws or otherwise, any other road in the Municipality whether it be a front road or a by-road or a street or any other road whatsoever in the Municipality, in conformity with the *procès-verbaux* or By-laws, relating to such roads and with the law, and shall be subject to be proceeded against by any person whatsoever of the age of twenty-one years, if the said roads are not made and kept in repair as aforesaid, for all damages and fines, as provided in the fourth sub-section of the said section, as though the municipality had assumed by By-law the charge of all the roads therein, saving however the recourse of such municipality against its officers or any other person having charge of such roads, in case of negligence, for the reimbursement to them of all damages, fines and costs incurred."

Section 55 of 18 V. c. 100 amended.

Liability of the Municipality if the Roads are not properly made and kept in repair.

Saving its recourse against its officers.

13. The following words shall be added after the word "year" in the sixth line of the ninth sub-section of the seventy-fourth section of the Lower Canada Municipal and Road Act of 1855, "or at such other time as may be fixed by a resolution passed by the said Council to that effect."

Paragraph 9 of sect. 74 of 18 V. c. 100 amended.

14. 1. In any case where the valuation roll of any locality has not been delivered to the Mayor of the Municipality, as required

Paragraph 3 of sect. 65 of required

1855 amend-
ed.

Delivery of
Valuation
Roll to the
Mayor.

required by the third sub-section of the sixty-fifth section of the said Act, it shall be lawful for any person having the custody of such valuation roll, to deliver up the same within three months after the passing of this Act, and such delivery shall be as valid as if made within the time prescribed by the said section;

Local Council
may amend
the Roll.

2. The Council of the local Municipality may amend the said valuation roll, as if the time when it is so delivered were that prescribed by the said sub-section;

Secretary-
Treasurer to
give notice un-
der para. 3 of
sect. 68 of the
said Act.

3. The Secretary-Treasurer of the local Municipality shall be bound to give notice of the delivery of such valuation roll, as provided by the third sub-section of the sixty-eighth section of the Act amended by this Act.

Secretary-
Treasurer to
make out the
general col-
lection roll,
&c.

4. The said Secretary-Treasurer of the said Local Municipality may then make out the general collection roll, basing it upon such valuation roll, as he would if it had been made at the time prescribed by the said Act, and observing the same formalities.

Sects. 68 and
69 of said Act
amended.

15. Every Local Municipal Council shall have the right to amend or make the valuation roll yearly or in any year, any thing in the sixty-eighth and sixty-ninth sections of the said Act to the contrary notwithstanding.

Local Councils
may oblige all
Traders to
take and pay
for a License.

16. Local Councils may compel all traders whether wholesale or retail, other than tavern-keepers and retailers of intoxicating liquors, to take out and to pay such council for a license to keep a shop or store and may regulate the amount to be paid for such license; such amount not to exceed twenty dollars.

Preventing
fast driving
and gambling.

17. In addition to the powers common to Local Councils, each Local Council shall be empowered to make By-laws to prevent parties from driving or riding faster than an ordinary trot, in the streets, or public places comprised within a radius of one mile from the principal church in the Local Municipality, and for preventing gambling and the keeping of gambling houses in the Municipality.

Punishment
of persons re-
sisting officers
of a Municipal
Council, &c.

18. Every person who shall refuse permission to enter his house to any officer authorized by the Council of any Municipality to seize and sell the goods and chattels of such person, shall be guilty of *rebellion à justice* and shall be punished therefor by the Mayor or Justice of the Peace who shall have signed the warrant, by imprisonment for any period not exceeding one calendar month, and such Mayor or Justice of the Peace may moreover give an order to cause the doors to be opened, entrance through which has been refused, and the officer charged with such order shall, in virtue thereof be authorized to
cause

cause any such doors to be opened in the presence of one or more witnesses, and for that purpose to avail himself of the assistance of such workmen or others as he may deem advisable, at the cost of the parties who shall have refused such entrance, which said costs, the said officer shall levy in virtue of the same warrant.

19. The Secretary-Treasurer of every local council, shall give or cause to be given public notice orally at the door of the parish church, or if there be no such church then in the most public place within the municipality, of any special meetings of the said council, setting forth in such notice the object of such meeting; provided always that such special meetings, as well as those appointed by law, shall, as far as possible be held in the vicinity of such parish church, or the most public and frequented place if there be no such church; and the office of the Secretary-Treasurer shall be established in the place where such meetings shall be held.

Notice of special meetings of a Local Council.

Proviso.

APPEALS.

20. 1. Any person who shall deem himself aggrieved by any judgment rendered in virtue of the Lower Canada Municipal and Road Act of 1855, or of the subsequent Acts amending the same, (unless such judgment shall have been rendered in the first instance by the Circuit Court), may appeal therefrom to the Circuit Court sitting at one of the places adjacent to that at which such judgment shall have been rendered, and such appeal shall be made in the following manner :

To what Court appeals may be made.

2. Within ten juridical days after the judgment shall have been rendered, the appellant shall give a good and sufficient security, by a surety who shall justify his sufficiency to the satisfaction of the Clerk of the Circuit Court at the place at which the appeal is to be heard, that the appellant will effectively prosecute the said appeal and will satisfy the judgment and pay the damages and costs which may be adjudged by the Circuit Court, if the judgment appealed from be confirmed; and the said clerk is authorized to administer to any person who shall in such case present himself as surety, the oaths required in similar cases and to put such questions as may be necessary to satisfy himself of his sufficiency; Provided that the said surety shall justify his sufficiency to the amount of at least one hundred dollars;

Security to appeal.

Clerk may put oath to surety.

Proviso: surety to justify.

3. The said clerk shall deliver to any person who shall apply therefore a copy of the said security, and such copy, certified by the clerk to be a true copy shall be deemed authentic;

Copies of security bond.

4. If such security be furnished as above mentioned within the delay prescribed, execution of the judgment shall be suspended until the appeal shall have been decided; in default thereof the judgment rendered shall be carried into effect;

Suspension of execution.

5.

How appeal
shall be com-
menced.

5. The appeal shall be commenced by a petition in which it shall not be necessary to set out all the facts and proceedings in the cause, but it shall be sufficient, after stating the title of the cause, the date of the judgment, and that the security required by law has been duly furnished, to state therein in a summary manner, as though the proceedings in the cause had already been before the Court in which the appeal is to be heard, and in the ordinary form of pleadings or complaints in appeal, the motives or reasons of the appeal, with conclusions analagous thereto, and praying that the judgment appealed from be set aside, and that such judgment be rendered as the Court or Judge below ought to have rendered ;

Copies of peti-
tion and secu-
rity to be
served on the
respondent.

6. A copy of the said petition certified by the appellant or his attorney and a copy of the security in appeal, certified by the clerk who shall have received the same, shall be served upon the respondent or his attorney within twenty juridical days after the rendering of the judgment, together with a notice of the day on which the said petition will be presented to the Circuit Court, and the said petition shall be presented to the Circuit Court (in term) on the first juridical day of the said Court immediately following the expiration of the twenty juridical days after the judgment shall have been rendered ;

Papers to be
filed by ap-
pellant.

7. The appellant shall file with his petition a certified copy of the security given by him, and also the notice of appeal, together with the return of a bailiff, setting forth the necessary services, and thereupon the appeal shall be heard, and decided in a summary manner ;

Transmission
of record from
Court below.

8. After a copy of the security so given shall have been served upon the Judge, or one of the Judges, or upon the Clerk to the Judge or Judges, or of the Court, who shall have rendered or pronounced the judgment or conviction, it shall be the duty of the said Judge or Judges, before the day fixed for the presenting of the petition in appeal, to transmit the record to the Clerk of the Circuit Court, with a certificate signed and sealed certifying that the documents transmitted are all the papers, documents and evidence relating to the cause : The above service is to be made within fifteen days after the day on which the judgment has been rendered ;

Variance or
informality
not grounds
for setting
aside judg-
ment.

9. In such appeals, no new evidence shall be adduced, and no judgment shall be set aside by reason of any trifling variance or informality, but only when any real injustice shall have been committed ; and when objections shall be raised which do not affect the merits of the cause, the Circuit Court may, if necessary, order the Clerk of the Court to make any amendment to the procedure, which, as amended, shall be executed as though it had been regular in the first instance ;

VICT.

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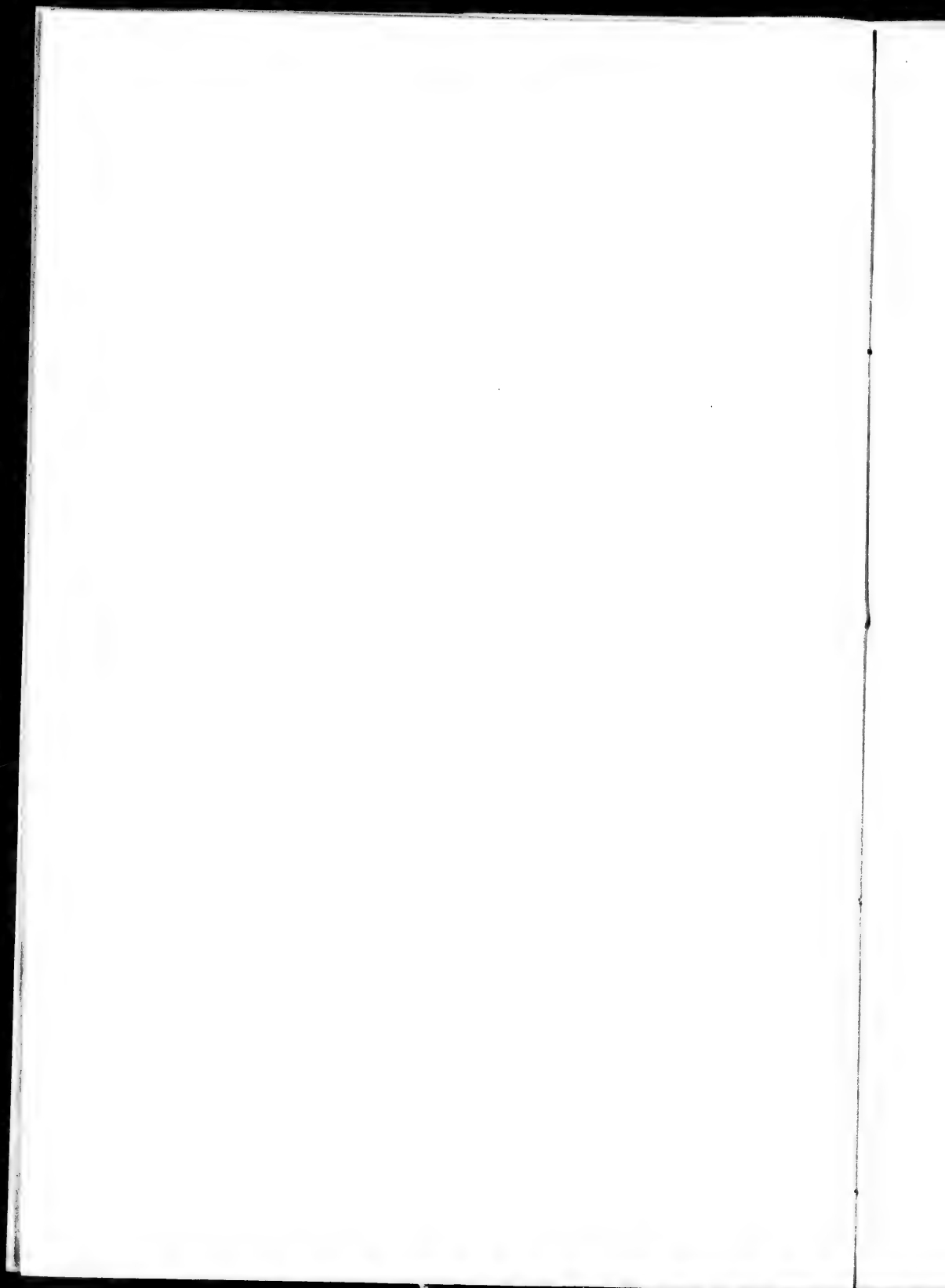
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10. The Circuit Court shall have power to adjudge the costs on such appeal, and if the judgment appealed from be fully confirmed, it may order that the record be transmitted to the Judge or Judges, or Court who shall have pronounced the judgment or conviction, and such transmission shall be effected by the Clerk of the Circuit Court who shall annex to the record a copy of the judgment of the said Court and a certificate of the costs allowed on the said appeal, and the said costs shall be levied by the same means, and in the same manner in which the judgment of the Judge or Judges below, or of the Court below is carried into effect according to law: But if, on the other hand, the said judgment be modified or set aside, in whole or in part, the record and procedure on the judgment appealed from, and any procedure upon the appeal shall remain to form part of the records of the Circuit Court, by which and under the authority of which, whatever shall have been adjudged, ordered, confirmed, modified or amended by the judgment of the said Court shall be carried into effect, and that by the same means and in the same manner as the judgment appealed from would itself have been carried into effect;

Costs of appeal, how awarded and levied.

Provision if the judgment be modified or set aside.

11. Any appellant who shall neglect to cause a copy of the said petition to be served as aforesaid, or who, having caused it to be served, shall fail effectually to prosecute the said appeal, shall be deemed to have abandoned the said appeal, and upon application of the respondent, the Circuit Court shall declare forfeited all the rights and claims founded on the said appeal, and shall allow costs to the respondent, and shall order that the record, (if it has been transmitted,) be sent back to the Court or Judge below; and if the record has not been transmitted, then, upon production of the copy of the petition served upon the respondent, the said respondent shall obtain such costs as the court may adjudge;

Provision in case of failure to prosecute appeal.

12. The execution of the judgment against the party condemned shall not deprive the party who shall have succeeded, of his recourse against the sureties for the whole or any part of the costs of the appeal remaining unpaid, to the payment of which every surety shall be bound, under the penalty of seizure and execution, in the same manner and to the same degree as the principal party;

Recourse against sureties.

13. Any person who shall deem himself aggrieved by any judgment rendered in virtue of the Agricultural Act (unless such judgment shall have been rendered by the Circuit Court in the first instance) may appeal therefrom to the Circuit Court sitting at any one of the places nearest to that at which the judgment shall have been rendered, and such appeal shall be made in the manner and form and within the delays and subject to the conditions hereinbefore prescribed for appeals from judgments rendered in virtue of the Lower Canada Municipal and Road Act of 1855, and the Acts amending the same;

Appeals from judgments under Agricultural Act.

Delay for appealing after this Act shall come into force ;

14. During the two months next after the day on which this Act shall go into force, any judgment rendered in virtue of this Act or of any of the acts cited in this Act, may be appealed from at any time before the day on which this Act shall go into force, or before the first day of the month of October, one thousand eight hundred and fifty-eight ;

And for providing security.

15. The appellant in such case shall furnish the security required at any time during the said two months, and the delay prescribed in ordinary cases for any proceeding subsequent to the giving of such security shall be computed from the day inclusive following the expiration of the said two months ;

No *Certiorari* to be issued in cases appealable under said Acts.

16. No judgment rendered in virtue of this Act, and of the Acts before cited in the thirteenth sub-section of this section, shall be set aside by any other means than the appeal above prescribed, and no writ of *certiorari* shall be issued and no judgment set aside upon a writ of *certiorari* ;

Par. 2 of s. 14 of L. C. Municipal Act of 1857, and s. 41 of Agricultural Act, repealed.

17. The second sub-section of the fourteenth section of the Lower Canada Municipal and Road Amendment Act of 1857, and the forty-first section of the Agricultural Act, and the nine sub-sections in the said last section contained, are hereby repealed.

Mayors not to sit in County Council in appeals in which they are personally interested.

21. It shall not be lawful for any Mayor of a local Municipality to sit or vote at any special session of the County Council for hearing or deciding upon any petition of appeal praying for the revision or amendment of any valuation roll or *procès-verbal*, or for the amendment or disallowance of any By-law in the matter of which he has any direct personal interest ; and the said County Council shall decide whether such Mayor has or has not such direct personal interest ; but such Mayor shall not have a right to vote on the question of his having or not having such interest.

Councils may not order the demolition of dams.

22. Notwithstanding any thing in the Act hereby amended or in the Agricultural Act contained, it shall not be lawful for nor in the power of any Council to direct the demolition of any mill-dam, on the ground that the same is an obstruction to a water-course, but the right to erect any dam and the rights and liabilities of all parties in respect thereof, whether for damage or otherwise, shall be adjudicated on and determined according to the ordinary rules of law.

Town or Village Councils may require work to be done on roads, &c., by persons out of

23. Notwithstanding any thing contained in the first sub-section of the twenty-third section of The Lower Canada Municipal and Road Act of 1855, as amended by the third sub-section of the eleventh section of The Lower Canada Municipal and Road Amendment Act 1856, any Town or Village Council may levy an assessment from persons residing or holding

holding assessable property outside of the limits of such Town or Village, or require from any such person the performance of labor, towards the construction or maintenance of any bridge or bridges, within the limits of such Town or Village, in accordance with any *procès-verbal* or By-law, relative to the construction and maintenance of any such bridge or bridges, in force before the passing of The Lower Canada Municipal and Road Act of 1855, or before the incorporation of any such town or village subsequently to the passing of that Act.

their limits in certain cases.

24. The Building of a Town Hall by a Local or County Municipality shall be one of the works or objects for the construction of which the Municipal Loan Fund for Lower Canada shall or may be applied, appropriated and obtained.

Municipal Loan Fund for Lower Canada to what purpose appropriated.

LOCAL PROVISIONS.

25. The Municipal Council of the County of St. John's may, at a special session to be held for that purpose, not later than the first day of November next, examine the valuation rolls of the different local Municipalities in that County and ascertain whether the valuation made in each of them bears a just relation to the valuation made in the others; and thereupon the Council of the said County may increase or decrease the valuations of all assessable property in any one or more of such local Municipalities by adding or deducting such sums upon the hundred as may in their opinion be necessary to produce a just relation between all the valuations in the County.

Special power to the Council of St. John's County, touching Valuation Rolls.

26. Upon, from and after the first day of October, one thousand eight hundred and fifty-eight, the parish of P'Islet shall cease to be the *Chef-lieu* of the county of P'Islet, and hereafter the sittings of the Municipal Council of the said county of P'Islet shall be held in the parish of St. Jean Port Joli, in the said county, and the said last parish shall hereafter be the *Chef-lieu* of the said county for Municipal and Registration purposes.

St. Jean Port Joli made the *chef-lieu* of P'Islet.

27. The extent of land designated in a Proclamation inserted in the number of the *Canada Gazette*, published by authority, bearing date the twenty-second day of May, one thousand eight hundred and fifty-eight, to form a separate Municipality from and after the first day of January next, under the name of the Corporation of the Village of Marieville, shall be detached from the Municipality of the parish of Ste. Marie de Monnoir, and shall form a distinct and separate Municipality under the name aforesaid, from and after the passing of this Act; and the election of Municipal Councillors for the said Corporation of the Village of Marieville shall take place in the manner prescribed by law, on the first Monday of the month of September next.

Village of Marieville constituted and incorporated.

Township of Westbury to be a Municipality distinct from Compton.

28. The township of Westbury, in the county of Compton, shall be disunited for Local Municipal purposes from the township of Ascot, and shall, from and after the passing of this Act, form a separate Local Municipality, and the first election for the choice of Municipal Councillors for the said separate Municipality may be held on the second Monday of October next, or on any subsequent day within the year.

By-laws not to be vitiated by certain errors in designating the Municipality.

29. And whereas the Local Councils of certain territories erected into townships and also into parishes, and which under the third sub-section of the thirty-third section of the Lower Canada Municipal and Road Act of 1855, respectively form Municipalities by the name of the Corporation of such township, have by error passed divers by-laws under the name of the Corporation of such parish, it is hereby declared and enacted that no by-law heretofore passed by any such Local Council shall be held to be null by reason of such erroneous designation therein assumed, but on the contrary every such by-law shall be judged of in respect of its validity, and shall be interpreted and acted on in all other respects, as though it had been passed in the name of such township and not of such parish.

Township and Village of St. John, in the County of Chicoutimi, constituted.

30. And with regard to the township and village of St. John, in the county of Chicoutimi, be it enacted :

Corporate name.

1. From and after the first day of January, one thousand eight hundred and fifty-nine, the Township and Village of St. Jean, shall, for the purposes of the Lower Canada Municipal and Road Act of 1855, or any amendments since made thereto, be detached from the said County of Chicoutimi, and shall be and form a separate Municipality by the name of "The Corporation of the Township of Saint Jean ;"

How the Municipal Council thereof shall be constituted.

2. The Council of the said Municipality shall consist of seven members, elected in the manner prescribed in the said Act with respect to the members of local Councils, by the inhabitants of the Municipality, owners or occupants of real property therein, and shall be subject to the provisions of the said Act with respect to local Councils, except where it is herein otherwise provided, and the said Council and Municipality shall be presided over by an officer elected as the Mayors of local Municipalities are under the said Act, but who shall have the title of Warden, with such of the powers of a Warden as may be consistent with this Act ; And the said Municipality and Council shall have all the powers of a local Municipality and Council under the said Act, and also the powers of a County Municipality and Council under the same, except those which relate to the construction of a Court House and Gaol, or of a Registry Office, and also such as may be inconsistent with its original jurisdiction as a local Council ; And the elections of Councillors, and the sittings of the said Council, shall be held at the Village of St. Jean, which shall be the *Chef-lieu*

Powers of Council.

Elections.

lieu of the Municipality: and all appeals and revisions, which, Appeals and revisions. under the said Municipal Acts, would otherwise be made to or by the County Municipality, shall be made to and by the Circuit Court at Chicoutimi, and the said Court is hereby specially empowered to take cognizance of the matters aforesaid, and to give its decision in the same manner as the County Municipal Council might have done, and the Clerk of the said Court shall be substituted for the Clerk of such County Council, notwithstanding anything in the said Act; and Commissioners for the summary trial of small causes may be Councillors therein;

3. The said Municipality shall be organized and may exercise all its powers and functions although there may not be three hundred souls within its limits; and any owner or occupant of real property in the Municipality whatever be the value thereof, shall be a Municipal Elector and may be elected a Councillor. May be organized tho' it has not 300 inhabitants.

31. In addition to and notwithstanding the second subsection of the thirty-third section of the said Act, the parish of L'Epiphanie, in the county of L'Assomption shall form and be a distinct Local Municipality in the said county of L'Assomption for all the municipal purposes of the said Act, and shall be deemed to be and to have been since the passing of the said Act a Local Municipality in the said county of L'Assomption, notwithstanding that a small portion of the said parish of L'Epiphanie is situated in the county of Montcalm. Parish of L'Epiphanie in County of L'Assomption declared a separate Municipality.

32. That part of the parish of St. Arsène, situated in the seigniory of La Rivière du Loup du Parc, in the county of Temisconata, which by virtue of canonical and civil decree has been annexed to the parish of St. Modeste, in the township of Whitworth, in the said county, is hereby declared to form and shall form part of the said Municipality of St. Modeste, for all the purposes of the Lower Canada Municipal and Road Act of 1855. Bounds of Municipality of St. Modeste extended.

33. Whereas doubts have arisen as to the legality of a certain Proclamation issued at the Government House, in the city of Montreal, on the third day of June, one thousand eight hundred and forty-seven, and having for object the division of the Township of Stukeley into two separate Municipalities, it is hereby declared and enacted that the Governor General for the time being had full power and authority to issue the said Proclamation, and that the Municipalities of South Stukeley and North Stukeley, in the County of Shefford, are and have been from the day of the date of the said Proclamation, two separate and distinct Local Municipalities within the limits respectively assigned to them in and by the said Proclamation. And it is also further declared and enacted that no By-law or Act of either of the said Municipalities, shall be deemed void Doubts under Proclamation affecting North and South Stukeley removed.

for

for or by reason of any doubt which may have arisen as to the legality of the said Proclamation, or for or by reason of the corporate name of the Municipality not having been correctly used in any such By-law or Act.

Certain By-laws of County Council of Missisquoi confirmed.

34. All By-laws made and passed by the Municipal Council of the County of Missisquoi or by the Council of any local Municipality in the said County for the acquirement or construction and maintenance of an Office for the Registration of Deeds, either apart from or forming part of any Court House situate within the said County, or for the construction and maintenance therein of a Fire-proof Vault for the preservation of such Deeds, or for providing means for the acquirement or construction and maintenance of such office, or for the transcription of any Deeds which it may have been deemed expedient to transfer to and deposite in such office, for the convenience of the inhabitants of the said County, are hereby declared to have been legal and binding from the days of the dates thereof respectively.

Form of Deed of Soccage lands sold by a Municipality

35. Any Deed of Sale of land held in Free and Common Soccage by a Secretary-Treasurer in the name of a Municipality, under the sixth sub-section of the seventy-fifth section of the said Act, may be made, sealed and delivered before two witnesses, or made and executed before one Notary and two witnesses, or before two Notaries, and may be in the following form, or in any other form or words to the same effect, that is to say :

Province of Canada, }
County of . }

These are to witness, that in consideration of the sum of _____ paid to the Secretary-Treasurer of the Municipal Council of the County of _____ by _____ being the purchaser at Public Auction of the parcel or tract of land hereinafter mentioned, sold by such Secretary-Treasurer to pay Assessments on the _____ day of _____ in the year of our Lord, one thousand eight hundred and _____, according to the law in that behalf, the said Corporation of the County of _____, doth grant, bargain and sell, confirm and convey unto the said _____, his heirs and assigns for ever, all and singular that parcel or tract of land situate in the _____ of _____, in the said County of _____, (*Insert here a description of the property*); To have and to hold the premises hereby sold and conveyed, with their and every of their appurtenances, unto and to the use of the said _____, his heirs and assigns for ever.

In witness whereof, I, _____, Secretary-Treasurer of the Municipal Council of the said County of _____

have

have hereunto set my hand and affixed the Seal of the said Corporation, this _____ day of _____, in the year of our Lord, one thousand eight hundred and _____

Signed, sealed and delivered }
in the presence of }
A. B. }
C. D. }

Secretary-Treasurer.

36. Notwithstanding any thing in the said Act or in the subsequent Acts amending the same, or any of them, or in this Act, it shall not be lawful for the Council of any Municipality, for the purpose of raising any sum or sums of money for making and maintaining the Roads and Bridges therein, to impose in any one year on any land in any Township therein any assessment or assessments exceeding in the whole the rate of two and a half per cent. on the actual value of such land according to the valuation thereof in the valuation-roll then in force in which the same is mentioned and described.

No more than two and a half per cent. on the assessed value to be collected as taxes for any cause in any one year on township lands.

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